

JAN 19 2010

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

For the reasons stated in the accompanying memorandum opinion, it is now

ORDERED

as follows:

1. The government's motion to dismiss shall be and hereby is **GRANTED**;
2. The defendant's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 shall be and hereby is **DISMISSED** and **STRICKEN** from the active docket of the court; and
3. A certificate of appealability shall be and hereby is **DENIED**.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the defendant and all counsel of record.

ENTER: This 19th day of January, 2010.

Don Clegg
United States District Judge